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J STANLEY POTTINGER  
49 Twin Lakes Road, Suite 100  
South Salem, NY 10590

Doe whose initials are A.C., John

The Diocese of Rochester, aka Roman Catholic Diocese of  
Rochester  
Sacred Heart Church

State Fee Index Number	\$165.00	
County Fee Index Number	\$26.00	
State Fee Cultural Education	\$14.25	
State Fee Records	\$4.75	Employee: JM
Management		

Total Fees Paid:	\$210.00
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State of New York

MONROE COUNTY CLERK'S OFFICE  
WARNING – THIS SHEET CONSTITUTES THE CLERKS  
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ADAM J BELLO

MONROE COUNTY CLERK



SUPREME COURT OF THE STATE OF NEW YORK  
MONROE COUNTY

JOHN DOE, whose initials are A.C.	:	INDEX NO.:	/2019
	:		
Plaintiff,	:		
	:		
-against-	:	Date Index No. Purchased	
	:		
	:		
THE DIOCESE OF ROCHESTER,	:	<b>SUMMONS</b>	
a/k/a "Roman Catholic Diocese of Rochester")	:		
and SACRED HEART CHURCH,	:		
(see attached Rider for Defendants Addresses)	:		
Defendants.	:		

**TO THE ABOVE NAMED DEFENDANTS:**

The Diocese of Rochester (aka "Roman Catholic Diocese of Rochester")  
1150 Buffalo Road  
Rochester, New York 14624

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is where one or more defendants reside which is Monroe County, New York.

Dated: August 14, 2019.

EDWARDS POTTINGER LLC

By: /s/ J. Stanley Pottinger,  
J. Stanley Pottinger, Esq.  
Bradley J. Edwards, Esq  
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New York, NY 10023  
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917-446-4641 Phone  
954-524-2820 Phone

*Attorneys for Plaintiff*

SUPREME COURT OF THE STATE OF NEW YORK  
MONROE COUNTY

JOHN DOE, whose initials are A.C. : INDEX NO.: /2019  
Plaintiff, :  
-against- :  
THE DIOCESE OF ROCHESTER, : RIDER TO SUMMONS  
a/k/a "Roman Catholic Diocese of Rochester") :  
and SACRED HEART CHURCH, :  
Defendants. :  
\_\_\_\_\_ :

DEFENDANT NAME

SERVICE ADDRESS

The Diocese of Rochester (aka "Roman  
Catholic Diocese of Rochester")

1150 Buffalo Road  
Rochester, New York 14624

Sacred Heart Church

26 Still Road  
Monroe, NY 10950

SUPREME COURT OF THE STATE OF NEW YORK  
MONROE COUNTY

JOHN DOE, whose initials are A.C.	:	INDEX NO.:	/2019
	:		
Plaintiff,	:		
	:		
-against-	:		
	:		
THE DIOCESE OF ROCHESTER,	:		
(a/k/a "Roman Catholic Diocese of Rochester")	:		
and SACRED HEART CHURCH,	:		
	:		
Defendants.	:		
	:		

**COMPLAINT**

Plaintiff, JOHN DOE, whose initials are A.C., by and through his undersigned counsel, for his claims against Defendants, states and alleges as follows:

1. This is an action in an amount in excess of \$15,000.00, exclusive of interest and costs and is within the jurisdictional limits of this Court.
2. Plaintiff, who was born in 1976, files this Complaint under a pseudonym in order to protect his identity because this Complaint makes allegations of a sensitive sexual nature the disclosure of which, in association with his name, would cause further harm to him.
3. Plaintiff, John Doe, is over the age of eighteen years old and is a resident of Jersey City, New Jersey who attended Sacred Heart Church in Monroe County, New York.
4. Father Edward Pipala was a Pastor of Sacred Heart Church and occupied said position at all times relevant herein.
5. Defendant, Sacred Heart Church, is a parish church owned and operated by the Diocese of Rochester, a/k/a "Roman Catholic Diocese of Rochester" (hereinafter "Sacred Heart")

located in Monroe County, New York. At all times material hereto, Sacred Heart was and continues to be a religious non-profit entity doing business in New York.

6. At all times material to the Complaint, Defendant Diocese of Rochester, a/k/a “Roman Catholic Diocese of Rochester” (“Archdiocese”) was and continues to be a non-profit organization or entity, which includes but is not limited to civil corporations, decision making entities, officials and employees, authorized to conduct business and conducting business in the State of New York, within Monroe County, New York. Defendant Archdiocese functions as a business by engaging in numerous activities and/or revenue producing activities, business, trade, commerce, furnishing of services and soliciting money from its members in exchange for its services. Defendant Diocese has several programs which seek out the participation of children in Defendant Archdiocese’s activities. Defendant Archdiocese, through its officials, has control over those activities involving children. Defendant Archdiocese has the power to appoint, supervise, monitor, and fire each person working with children within Defendant Diocese.

7. At all times material hereto, the Bishop of the Diocese of Rochester, a/k/a “Roman Catholic Diocese of Rochester” was in charge of the Defendant Archdiocese and was the local agent of the Roman Catholic Church. As chief operating officer and ordinary of Defendant Archdiocese, the Bishop of the Archdiocese is appointed by the Pope and has ultimate authority and responsibility for the training, ordination, placement, and the discipline, removal, and recommendation for laicization of all Roman Catholic priests ordained in the Defendant Archdiocese. The Bishop of the Defendant Archdiocese possesses individual responsibility for the care of each and every parish, and its members, located within the counties, which geographically comprise the Defendant Archdiocese. The Bishop is also responsible for fully investigating the history and fitness of all priests prior to placement within a parish in Defendant Archdiocese and

for the discipline and/or removing of such priest. (Hereinafter the “Archdiocese” includes the Bishop).

### **FACTUAL ALLEGATIONS**

8. In 1966, Father Edward Pipala was ordained by St. Joseph’s Seminary in Yonkers, New York.

9. Father Pipala served at numerous parishes and performed numerous assignments on behalf of Defendants between 1966 and 1992.

10. From 1966 through 1975, Father Pipala worked for the Archdiocese at Cardinal Hayes High School in Bronx, New York.

11. From 1975-1979, Father Pipala worked for the Archdiocese at Moore Catholic High School, Staten Island, New York.

12. In 1977, Father Papila worked for the Archdiocese in residence at St. Margaret Mary in New York, New York.

13. In 1977, the Diocese of Rochester, a/k/a “Roman Catholic Diocese of Rochester” learned that Father Edward Pipala was sexually abusing children when a parent informed church officials that had Father Pipala sexually abused her son.

14. Rather than terminate him, the Archdiocese sent Pipala for psychological counseling and then reassigned him to be in the presence of additional children.

15. From 1977 through 1981, despite having direct knowledge of Father Edward Pipala’s dangerous sexual proclivities for assaulting young men, Edward Pipala was assigned by the Archdiocese to St. Joseph’s in Croton Falls, New York.

16. With continued knowledge that Edward Pipala was sexually abusing very young children, Pipala was next assigned to Plaintiff's home parish of Sacred Heart Church in Monroe, New York from 1981-1988.

17. During all times relevant, Plaintiff was a minor child and parishioner of Defendant Sacred Heart Church and Defendant Archdiocese.

18. Plaintiff came to know Edward Pipala as his priest and/or counselor through Edward Pipala's employment with Defendants.

19. Despite such knowledge of Pipala's previous horrific sexually exploitative behavior, Defendant Archdiocese and Defendant Sacred Heart Church, through their acts, caused Plaintiff and his parents to repose their trust and confidence in them and the priests appointed to the parishes within the Archdiocese.

20. Plaintiff and Plaintiff's parents came to admire, trust, revere, and respect Edward Pipala as a person of great influence and persuasion as a holy man and authority figure.

21. In approximately 1987, when Plaintiff was approximately eleven (11) years old, Edward Pipala, using his position of authority, trust, reverence, and control as a Roman Catholic priest and counselor, engaged in unpermitted and harmful sexual contact with Plaintiff.

22. In furtherance of his abuse, Father Edward Pipala used his position as a priest to convince the parents of Plaintiff to entrust their son to him and the other defendants as he spend time at the rectory and church where he was assaulted and sexually abused by Pipala.

23. While at Defendant Sacred Heart's parish, Edward Pipala was able to devise and facilitate a secret sex club called "The Hole" while he was assistant pastor and youth minister.

24. As part of the “club,” Edward Pipala provided alcohol to young boys, encouraged the young boys to drink and smoke in the rectory, engaged in sexual acts with the young boys, and took the boys on trips to a condo in Seaside Heights, New Jersey.

25. Plaintiff was violently and forcefully anally raped by Edward Pipala on more than one occasion when he was only eleven years old.

26. Defendant Archdiocese and Defendant Sacred Heart Church knew of facts that would lead a reasonably prudent person to investigate Edward Pipala prior to his hire at Sacred Heart Church and knew or should have known of Pipala’s propensity for the conduct that severely injured Plaintiff.

27. Prior to hiring Pipala and during his tenure at Sacred Heart, Defendant Archdiocese and Defendant Sacred Heart failed to develop an effective process to ensure that persons it hired would not be a risk to minors.

28. To that end, Defendants had no effective process to train its clergy members and employees to prevent, identify, detect or investigate the abuse of minors.

29. In fact, in the case of Edward Pipala, Defendants permitted him to sexually abuse minor children for decades, both before and after Plaintiff was violently sexually attacked by Pipala.

30. Defendants reassigned Pipala to another parish, St. John’s in Goshen, New York, in 1988 where he continued to run the “club,” sexually victimizing other young boys.

31. In 1992, Father Pipala was removed from his assignment and sent to St. Luke Institute, a psychiatric hospital in Silver Springs, Maryland.

32. In 1993, he pleaded guilty and was convicted of sodomy and sex abuse and served seven years in prison. He was released in 2000 and laicized the same year.



33. In 2009, Fr. Pipala was a registered sex offender in New York. He died in 2013.
34. The intentional acts of Edward Pipala against Plaintiff constitute a variety of sexual offenses as defined in New York Penal Law § 130, including but not limited to the following:
- a. Edward Pipala committed rape in the first degree as defined in §130.35 of the New York Penal Law, inasmuch as Edward Pipala engaged in sexual intercourse with Plaintiff when he was more than eighteen years old and Plaintiff was less than thirteen years old.
  - b. Edward Pipala committed a criminal sexual act in the first degree as defined in §130.50 of the New York Penal Law, inasmuch as Edward Pipala engaged in anal sexual conduct with Plaintiff when he was more than eighteen years old and Plaintiff was less than thirteen years old.
  - c. Edward Pipala committed sexual abuse in the first degree as defined in §130.65 of the New York Penal Law, inasmuch as Edward Pipala subjected Plaintiff to sexual contact by forcible compulsion when Plaintiff was less than thirteen years old and Edward Pipala was twenty-one years old or older.
  - d. Edward Pipala committed sexual misconduct against Plaintiff as defined in §130.20 of the New York Penal Law, inasmuch as Edward Pipala injured Plaintiff when he engaged in sexual intercourse with Plaintiff without Plaintiff's consent when he was only eleven years old.
  - e. Edward Pipala committed forcible touching against Plaintiff as defined in §130.52 of the New York Penal Law, inasmuch as Edward Pipala, intentionally and for no legitimate purpose, engaged the forcible sexual touching of Plaintiff for the purpose of degrading or abusing him or for the purpose of gratifying his sexual desire.

35. Father Edward Pipala is alleged to have sexually abused as many as 50 boys at several parishes in the Diocese of Rochester, a/k/a “Roman Catholic Diocese of Rochester” in the same or similar manner to the abuse that he inflicted upon Plaintiff.

**COUNT I**  
**NEGLIGENCE AGAINST THE**  
**DIOCESE OF ROCHESTER, A/K/A “ROMAN CATHOLIC DIOCESE OF**  
**ROCHESTER”**

36. The Plaintiff adopts and realleges paragraphs 1 through 35 above.

37. Defendant assumed a duty to Plaintiff by:

- a. holding Edward Pipala out to the public, including Plaintiff and his parents, as a competent and trustworthy employee that was safe to work with children;
- b. holding out its facilities and ministry as a safe environment for children and parishioners;
- c. taking and inviting children and parishioners into its facilities; and
- d. not disclosing its knowledge of vast sexual abuse by Edward Pipala.

38. By holding themselves out as being able to provide safe environments for children, solicited and/or accepted these positions of empowerment. This empowerment prevented the then minor Plaintiff from effectively protecting himself. Defendant thus entered a fiduciary relationship with Plaintiff.

39. Defendant had a special relationship with Plaintiff.

40. Defendant owed Plaintiff a duty of reasonable care because it had superior knowledge about the risk that Edward Pipala posed to Plaintiff the risk of abuse in general in their programs, and/or the risks that their facilities posed to minor children.

41. Defendant held their leaders and agents out as people of high morals, as possessing immense power, teaching families and children to obey these leaders and agents, teaching families

and children to respect and revere these leaders and agents, soliciting youth and families to their programs, marketing to youth and families, recruiting youth and families, and holding out the people that worked in the programs as safe.

42. Defendant owed Plaintiff a duty of reasonable care because it had or should have possessed superior knowledge about the risk that Edward Pipala posed to Plaintiff, the risk of abuse in general in their programs and/or the risks that their facilities posed to minor children.

43. Defendant owed Plaintiff a duty of reasonable care because it:

- a. solicited youth and parents for participation in youth programs; encouraged youth and parents to have the youth participate in programs;
- b. undertook custody of minor children, including Plaintiff; promoted their facilities and programs as being safe for children;
- c. held their agents including Edward Pipala out as safe to work with children;
- d. encouraged parents and children to spend time with their agents; and/or
- e. encouraged their agents, including Pipala, to spend time with, interact with, and recruit children.

44. Defendant owed Plaintiff a duty to protect him from harm because Defendant's actions created a foreseeable risk of harm to Plaintiff.

45. Defendant Archdiocese breached its duty of care to Plaintiff in that it was negligent in:

- a. failing to develop effective procedures to detect, investigate and stop child abuse.
- b. ailing to have sufficient policies and procedures to prevent child sexual abuse;
- c. failing to properly implement the policies and procedures to prevent child sexual abuse;

- d. failing to investigate risks of child sexual abuse;
- e. failing to adequately inform families and children of the risks of child sexual abuse;
- f. failing to train its employees properly to identify signs of child molestation by fellow employees;
- g. failing to report Edward Pipala to appropriate law enforcement agencies and thus violated the laws of New York State relating to the reporting of child abuse;
- h. negligently hiring Pipala;
- i. negligently supervising and retaining Pipala; and
- j. failing to train Pipala.

46. Plaintiff is of the information and belief that this woeful lack of care and utter failure to provide any sexual abuse prevention program was endemic of a broader problem in the Archdiocese, namely that of a pattern and practice of behavior to not acknowledge and deal effectively with the problem of sexual abuse by clergy members and employees in the Archdiocese. To wit, Plaintiff is of the information and belief that the Archdiocese and Archbishops:

- a. Developed and executed a deliberate covert policy and practice for dealing with sexually abusive priests and employees which had several purposes, including but not limited to the following: preventing scandal among the parishioners and public, preventing the loss of financial contributions which would likely occur in the aftermath of revealing such a scandal, preventing the filing of civil suits and circumventing the criminal law process;
- b. By and through the pastors in the parishes, the Archdiocese failed to exercise supervisory control over rectory life and the conduct of priests and employees in

their parish which resulted in a failure to control the sexual misconduct of priests and employees. Rules of conduct were flouted by sexually abusive priests and employees without consequence. Rarely was an official complaint made either by a priest to a pastor, a priest to the Archdiocese or a pastor to the Archdiocese. The Archdiocese and pastors of the parish churches lied about what they knew about sexually abusive priests and employees to their parishioners and to the public at large;

- c. In pursuance of the sexual abuse policy outlined in paragraph (a) above, the Archdiocese failed to act on obvious warning signs of sexual abuse, including but not limited to the following instances: priests had children in their private rooms in the rectory overnight, priests drank alcohol with underage children and priests exposed children to pornography; and
- d. Failed to train and educate themselves, pastors and priests in child abuse identification, detection and prevention.

47. Defendant also breached its duties to Plaintiff by failing to warn Plaintiff and her family of the risk that Edward Pipala posed and the risks of child sexual abuse by clerics in the Archdiocese. They also failed to warn Plaintiff about any of the knowledge that Defendant had about child sexual abuse in general, and in their programs.

48. Defendant also breached its duties to Plaintiff by failing to report known and/or suspected abuse of children by Edward Pipala and/or their other agents to the police and law enforcement and/or parishioners and/or the public.

49. Defendant breached this duty, as well as other duties, through inaction, manipulation, intimidation, evasion, intended deception, undue influence, and duress or otherwise,

as more fully described and set forth elsewhere in this complaint, resulting in negative consequences to the welfare and well-being of Plaintiff specifically and the public generally.

50. Defendant knew or should have known that some of the leaders and people working at Catholic institutions within the Archdiocese were not safe.

51. Defendant knew or should have known that they did not have sufficient information about whether or not their leaders and/or people working at Catholic institutions within the Archdiocese were safe.

52. Defendant knew or should have known that there was a risk of child sexual abuse for children participating in Catholic programs and activities within the Archdiocese.

53. Defendant knew or should have known that it did not have sufficient information about whether or not there was a risk of child sexual abuse for children participating in Catholic programs and activities within the Archdiocese.

54. Defendant knew or should have known that they had numerous agents who had sexually molested children. They knew or should have known that child molesters have a high rate of recidivism. They knew or should have known that there was a specific danger of child sexual abuse for children participating in their youth programs

55. The aforementioned policies and practices with respect to sexually abusive priests and employees were a direct and proximate cause of Plaintiff's injuries. The Archdiocese's irresponsible policy with respect to sexually abusive priests and employees had dire consequences for Plaintiff with respect to Edward Pipala.

56. Such conduct was wanton, reckless, willful and constituted a gross deviation from the norm expected of those who operate similar recreation and cultural programs for minors.

Defendant's actions constituted gross negligence and was intended to bring about the harm to the Plaintiff.

57. Defendant breached their respective duties by exposing Plaintiff to Edward Pipala, an unfit agent with dangerous and exploitive sexual propensities.

58. Father Edward Pipala's horrific sexual assaults of minor child Plaintiff were committed within the course and scope of his employment, were each a gross violation of the law, and served no legitimate purpose.

59. As a direct and proximate result of the negligence of the Defendant, the Plaintiff has in the past suffered and in the future will continue to suffer physical injury, pain, emotional distress, psychological trauma, mental anguish, humiliation, embarrassment, loss of self-esteem, loss of dignity, invasion of his privacy and a loss of his capacity to enjoy life, as well as other damages. Plaintiff incurred medical and psychological expenses and Plaintiff will in the future suffer additional medical and psychological expenses. These injuries are permanent in nature and Plaintiff will continue to suffer these losses in the future.

WHEREFORE, Plaintiff demands judgment against Defendant, Diocese of Rochester, a/k/a "Roman Catholic Diocese of Rochester", for compensatory and general damages, attorney's fees, punitive damages and such other and further relief as this Court deems just and proper. Plaintiff hereby demands trial by jury on all issues triable as of right by a jury.

**COUNT II**  
**NEGLIGENCE AGAINST THE**  
**SACRED HEART CHURCH**

60. The Plaintiff adopts and realleges paragraphs 1 through 35 above.

61. Defendant assumed a duty to Plaintiff by:

- e. holding Edward Pipala out to the public, including Plaintiff and his parents, as a competent and trustworthy employee that was safe to work with children;
- f. holding out its facilities and ministry as a safe environment for children and parishioners;
- g. taking and inviting children and parishioners into its facilities; and
- h. not disclosing its knowledge of vast sexual abuse by Edward Pipala.

62. By holding themselves out as being able to provide safe environments for children, solicited and/or accepted these positions of empowerment. This empowerment prevented the then minor Plaintiff from effectively protecting himself. Defendant thus entered a fiduciary relationship with Plaintiff.

63. Defendant had a special relationship with Plaintiff.

64. Defendant owed Plaintiff a duty of reasonable care because it had superior knowledge about the risk that Edward Pipala posed to Plaintiff the risk of abuse in general in their programs, and/or the risks that their facilities posed to minor children.

65. Defendant held their leaders and agents out as people of high morals, as possessing immense power, teaching families and children to obey these leaders and agents, teaching families and children to respect and revere these leaders and agents, soliciting youth and families to their programs, marketing to youth and families, recruiting youth and families, and holding out the people that worked in the programs as safe.

66. Defendant owed Plaintiff a duty of reasonable care because it had or should have possessed superior knowledge about the risk that Edward Pipala posed to Plaintiff, the risk of abuse in general in their programs and/or the risks that their facilities posed to minor children.

67. Defendant owed Plaintiff a duty of reasonable care because it:



- a. solicited youth and parents for participation in youth programs; encouraged youth and parents to have the youth participate in programs;
- b. undertook custody of minor children, including Plaintiff; promoted their facilities and programs as being safe for children;
- c. held their agents including Edward Pipala out as safe to work with children;
- d. encouraged parents and children to spend time with their agents; and/or
- e. encouraged their agents, including Pipala, to spend time with, interact with, and recruit children.

68. Defendant owed Plaintiff a duty to protect him from harm because Defendant's actions created a foreseeable risk of harm to Plaintiff.

69. Defendant Sacred Heart breached its duty of care to Plaintiff in that it was negligent in:

- a. failing to develop effective procedures to detect, investigate and stop child abuse.
- b. ailing to have sufficient policies and procedures to prevent child sexual abuse;
- c. failing to properly implement the policies and procedures to prevent child sexual abuse;
- d. failing to investigate risks of child sexual abuse;
- e. failing to adequately inform families and children of the risks of child sexual abuse;
- f. failing to train its employees properly to identify signs of child molestation by fellow employees;
- g. failing to report Edward Pipala to appropriate law enforcement agencies and thus violated the laws of New York State relating to the reporting of child abuse;
- h. negligently hiring Pipala;

- i. negligently supervising and retaining Pipala; and
- j. failing to train Pipala.

70. Plaintiff is of the information and belief that this woeful lack of care and utter failure to provide any sexual abuse prevention program was endemic of a broader problem in Sacred Heart, namely that of a pattern and practice of behavior to not acknowledge and deal effectively with the problem of sexual abuse by clergy members and employees at Sacred Heart.

To wit, Plaintiff is of the information and belief that Sacred Heart:

- e. Developed and executed a deliberate covert policy and practice for dealing with sexually abusive priests and employees which had several purposes, including but not limited to the following: preventing scandal among the parishioners and public, preventing the loss of financial contributions which would likely occur in the aftermath of revealing such a scandal, preventing the filing of civil suits and circumventing the criminal law process;
- f. Failed to exercise supervisory control over rectory life and the conduct of priests and employees in their parish which resulted in a failure to control the sexual misconduct of priests and employees. Rules of conduct were flouted by sexually abusive priests and employees without consequence. Rarely was an official complaint made either by Sacred Heart from a priest to a pastor, a priest to the Archdiocese or a pastor to the Archdiocese. The employees of Sacred Heart lied about what they knew about sexually abusive priests and employees to their parishioners and to the public at large;
- g. In pursuance of the sexual abuse policy outlined in paragraph (a) above, Sacred Heart failed to act on obvious warning signs of sexual abuse, including but not

limited to the following instances: priests had children in their private rooms in the rectory overnight, priests drank alcohol with underage children and priests exposed children to pornography; and

- h. Failed to train and educate themselves, pastors and priests in child abuse identification, detection and prevention.

71. Defendant also breached its duties to Plaintiff by failing to warn Plaintiff and his family of the risk that Edward Pipala posed and the risks of child sexual abuse by clerics at Sacred Heart. They also failed to warn Plaintiff about any of the knowledge that Defendant had about child sexual abuse in general, and in their programs.

72. Defendant also breached its duties to Plaintiff by failing to report known and/or suspected abuse of children by Edward Pipala and/or their other agents to the police and law enforcement and/or parishioners and/or the public.

73. Defendant breached this duty, as well as other duties, through inaction, manipulation, intimidation, evasion, intended deception, undue influence, and duress or otherwise, as more fully described and set forth elsewhere in this complaint, resulting in negative consequences to the welfare and well-being of Plaintiff specifically and the public generally.

74. Defendant knew or should have known that some of the leaders and people working at Catholic institutions within Sacred Heart were not safe.

75. Defendant knew or should have known that they did not have sufficient information about whether or not their leaders and/or people working at Sacred Heart were safe.

76. Defendant knew or should have known that there was a risk of child sexual abuse for children participating in Catholic programs and activities at Sacred Heart.

77. Defendant knew or should have known that it did not have sufficient information about whether or not there was a risk of child sexual abuse for children participating in Catholic programs and activities at Sacred Heart.

78. Defendant knew or should have known that they had numerous agents who had sexually molested children. They knew or should have known that child molesters have a high rate of recidivism. They knew or should have known that there was a specific danger of child sexual abuse for children participating in their youth programs

79. The aforementioned policies and practices with respect to sexually abusive priests and employees were a direct and proximate cause of Plaintiff's injuries. Defendant Sacred Heart's irresponsible policy with respect to sexually abusive priests and employees had dire consequences for Plaintiff with respect to Edward Pipala.

80. Such conduct was wanton, reckless, willful and constituted a gross deviation from the norm expected of those who operate similar recreation and cultural programs for minors. Defendant's actions constituted gross negligence and was intended to bring about the harm to the Plaintiff.

81. Defendant breached their respective duties by exposing Plaintiff to Edward Pipala, an unfit agent with dangerous and exploitive sexual propensities.

82. Father Edward Pipala's horrific sexual assaults of minor child Plaintiff were committed within the course and scope of his employment, were each a gross violation of the law, and served no legitimate purpose.

83. As a direct and proximate result of the negligence of the Defendant, the Plaintiff has in the past suffered and in the future will continue to suffer physical injury, pain, emotional distress, psychological trauma, mental anguish, humiliation, embarrassment, loss of self-esteem,

loss of dignity, invasion of his privacy and a loss of his capacity to enjoy life, as well as other damages. Plaintiff incurred medical and psychological expenses and Plaintiff will in the future suffer additional medical and psychological expenses. These injuries are permanent in nature and Plaintiff will continue to suffer these losses in the future.

WHEREFORE, Plaintiff demands judgment against Defendant, Sacred Heart Church, for compensatory and general damages, attorney's fees, punitive damages and such other and further relief as this Court deems just and proper. Plaintiff hereby demands trial by jury on all issues triable as of right by a jury.

Dated: August 14, 2019

J. Stanley Pottinger, Esq.  
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*(Pro Hac)*